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In re Application of	:	
Kazuo KURODA	:	DECISION ON
Application No.: 10/572,941	:	
PCT No.: PCT/JP04/013737	:	
Int. Filing Date: 21 September 2004	:	PETITION
Priority Date: 22 September 2003	:	
Attorney Docket No.: 8048-1148	:	
For: INFORMATION RECORDING APPRATUS, AND	:	UNDER 37 CFR 1.181
INFORMATION RECORDING/REPRODUCING	:	
APPARATUS	:	

This decision is in response to applicants' "REQUEST FOR CORRECTION OF DATE OF COMPLETION OF ALL 35 USC 371 REQUIREMENTS" filed on 19 December 2006, which is being treated as a petition under 37 CFR 1.181, requesting acceptance of a copy of the Declaration submitted as filed in the USPTO March 22, 2006, and that the correct date of meeting the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements is March 22, 2006.

**BACKGROUND**

On March 22, 2006, applicant filed a transmittal letter for entry into the national stage in the United States Patent and Trademark Office (PTO), which was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). Applicant also provided an executed declaration.

On June 26, 2006, applicant filed a second transmittal letter for entry into the national stage in the United States Patent and Trademark Office (PTO), which was accompanied by, *inter alia*, another copy of the executed declaration.

A Notification of Acceptance (Form PCT/DO/EO/903) was mailed on 20 November 2006 stating that the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements is 26 June 2006.

On 19 December 2006, applicant filed the current petition stating the correct 35 USC 371 date should be March 22, 2006, which is the date the executed declaration was filed.

### **DISCUSSION**

A review of the file reveals that the declaration of the inventor is not acceptable because it is a defective declaration because there is an alteration on it – a line across the information of the bottom box. Any alternation made after the signing of an oath or declaration must be supported by a supplemental oath or declaration under §1.67. Note 37 CFR §1.52.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 20 November 2006 was in **ERROR** stating that the 35 USC 371 date is 26 June 2006 and the notice is hereby **VACATED**.

For the reasons above, the application may not enter into national stage processing at this time.

### **CONCLUSION**

The petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision indicating the correct spelling of the second named joint inventor. The two (2) months time period for response may be extended under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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